

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

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Chief, Criminal Division

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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	NO. CR 17-00583 RS
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	RESETTING STATUS CONFERENCE AND
v.	)	EXCLUDING TIME UNDER THE SPEEDY TRIAL
	)	ACT
DANIEL SHIREY,	)	
	)	
Defendant.	)	
	)	

**STIPULATION**

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The parties appeared before the Court on January 9, 2018 at 2:30 p.m. for a first appearance. Defendant Daniel Shirey, represented by Ellen Leonida, was present and in custody. Assistant United States Attorney Karen Kreuzkamp appeared for the Government. The case was set for a status conference on February 27, 2018 at 2:30 p.m. and time was excluded under the Speedy Trial Act for effective preparation of counsel.

2. Since that time, Ms. Leonida determined her office had a conflict and could no longer represent Mr. Shirey. On February 16, 2018, the Honorable Laurel Beeler, United States Magistrate Judge, appointed Kenneth H. Wine to represent Mr. Shirey. Mr. Wine is in receipt of the discovery, but

1 having just been appointed, has not yet had time to review it. He also is not available on February 27,  
2 2018.

3 3. The parties hereby agree and request that the status conference in this case by reset to  
4 March 27, 2018 at 2:30 p.m. The parties further agree and request that the period from February 27,  
5 2018 through and including March 27, 2018 should be excluded from the Speedy Trial Act computation  
6 because the continuance is necessary for continuity of defense counsel and effective preparation of  
7 counsel, taking into account the exercise of due diligence pursuant to 18 U.S.C. § 3161(h)(7)(A) and  
8 (b)(iv).

9 IT IS SO STIPULATED.

10 DATED: February 16, 2018

ALEX G. TSE  
Acting United States Attorney

11  
12 /s/  
KAREN KREUZKAMP  
13 Assistant United States Attorney

14 DATED: February 16, 2018

15  
16 /s/  
KENNETH WINE  
17 Counsel for Defendant  
18 Daniel Shirey

19  
20  
21 **PROPOSED ORDER**

22 Based upon the representation of counsel and for good cause shown, the Court finds that failing  
23 to exclude the time between February 27, 2018 and March 27, 2018 would unreasonably deny the  
24 defendant continuity of counsel and would deny counsel the reasonable time necessary for effective  
25 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The  
26 Court further finds that the ends of justice served by excluding the time between February 27, 2018 and  
27 March 27, 2018 from computation under the Speedy Trial Act outweigh the best interests of the public  
28 and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between

February 27, 2018 and March 27, 2018 shall be excluded from computation under the Speedy Trial Act.  
18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: 2/20/18



HON. RICHARD SEEBORG  
United States District Judge